

**MINUTES**  
**Town of Crested Butte**  
**Regular Town Council Meeting**  
**Monday, December 7, 2020**

Mayor Schmidt called the meeting to order at 7:03PM.

Council Members Present: Will Dujardin, Candice Bradley, Chris Haver, Mallika Magner, Laura Mitchell, and Mona Merrill

Staff Present: Town Manager Dara MacDonald, Town Attorney John Sullivan, and Town Clerk Lynelle Stanford

Community Development Director Troy Russ, Parks and Recreation Director Janna Hansen, Town Planner I Mel Yemma, Finance Director Rob Zillioux, and Public Works Director Shea Earley (for part of the meeting)

Everyone connected and participated in the meeting via Zoom. Schmidt and MacDonald were present in Council Chambers.

Schmidt mentioned the two topics of the work session.

**APPROVAL OF AGENDA**

Haver moved and Mitchell seconded a motion to approve the agenda. A roll call vote was taken with all voting, "Yes." Motion passed unanimously.

**CONSENT AGENDA**

- 1) November 16, 2020 Regular Town Council Meeting Minutes.**
- 2) Appointment of a New Member to the Board of Zoning and Architectural Review (BOZAR).**
- 3) 2021 Town Council Regular Meeting Schedule.**
- 4) Appointment of Mona Merrill to the Gunnison Valley Regional Housing Authority.**
- 5) Consideration of Letter to Colorado's Congressional Delegation Requesting Action on Pandemic Support.**

Haver requested to remove the 2021 Town Council Regular Meeting Schedule from Consent Agenda in order to discuss the April meeting dates.

Mitchell moved and Haver seconded a motion to approve the Consent Agenda with moving the meeting schedule to Other Business. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **PUBLIC COMMENT**

None

### **STAFF UPDATES**

- MacDonald pointed out Russ's summary on the Verzuh Ranch public trail access modification request.
- MacDonald stated the sales tax reports continued to be striking. She mentioned the proposed ordinance for exempting prescription drugs from sales tax.
- Schmidt asked about timing regarding the agreement with the Fire District and the Verzuh Ranch proposal. Russ explained that the negotiations were continuing with the Fire District, and the negotiations were going well. Regarding Verzuh Ranch, Russ reported that the Martens wanted to see how it went with dogs. The discussion became focused on details regarding the gate, including gate locations compared to current locations. MacDonald summarized the Martens wanted something that more strongly discouraged dogs. Dujardin asked about the boardwalk trail closure and whether it would look the same as it did this past summer.
- Schmidt recognized the increased percentages in sales tax.
- Schmidt acknowledged that Zillioux was looking to exempt sales tax on prescription drugs. No one on the Council voiced disagreement with an ordinance added to the next meeting agenda.
- Magner brought up Telluride's menu and funding mechanisms for affordable housing. Russ confirmed there would be discussion at the next meeting.
- Magner questioned revisiting the parking plan. She identified that Staff had talked about coordinating the parking discussion with the possible reconfiguration of Elk Avenue for next summer. Russ outlined a utilization of parking turnover study that would be conducted this winter and this summer. This spring they would set up goals on what the community wanted to achieve. Magner wondered whether they would have data and information well enough in advance of discussions regarding the Elk Avenue reconfiguration. Russ reviewed the timeline and stated the data would align as long as visitation was maintained as expected. Haver asked whether they would discuss the previous parking plan. Russ explained there were gaps in the data, and he expected data in early summer. Magner wanted to request that the Council have a briefing on the original plan well enough in advance so they would have time to implement this summer. MacDonald stated there was not a final plan. The Town needed information from the community on how to implement paid parking. Staff would update the Council on the process.

**Presentation by Ellie Reynolds from Waste Management.**

Ellie Reynolds introduced herself; Austin Oliver, District Manager; and Daniel Allen, Route Manager out of Montrose. Reynolds first identified the tonnage of recycling produced from Crested Butte and Mt. Crested Butte. She reviewed Waste Management's COVID operations. She informed the Council that there had been no disruption to services in the area due to COVID. Additionally, Waste Management had not seen a delay in the recycling.

Oliver provided an overview of their general operations that included the number of employees at the local site. MacDonald recognized there were gaps in communication concerning the solar bellies on Elk Avenue. She acknowledged recent communications had been positive. Reynolds said they were trying to get the Crested Butte office more on what their corporate offices were doing. Schmidt cited his experience of his garbage being missed, the subsequent phone calls, and that there was not a local number to call. Oliver stated Waste Management changed phone numbers. She confirmed they still had a local number. Oliver informed the Council he was available, and they were working on the communication piece. He apologized. Reynolds assured they would work to update records and provide more regular updates. Schmidt reiterated that he was unhappy. Reynolds told him they would try to fix it. Schmidt asked about weekend service, and the discussion became detailed around the specific situation of an overflowing dumpster at The Chamber/Four Way on a Sunday. Oliver reported the dumpsters would not be emptied on weekends; however, he thought they could come to a solution.

Hansen spoke about issues with the solar bellies on Elk Avenue. Reynolds said Waste Management would still maintain a schedule. Town should increase frequency, rather than planning for on-call pick-ups. Mitchell asked about recycling. Reynolds explained where the recycling was sent, and she elaborated upon plastics recycling. MacDonald knew of one instance of the dumpster at the Four Way overflowing this past summer. Hansen looked forward to having a good working relationship going into the future.

**Presentation by Melanie Armstrong, Associate Professor and Director of the Center for Public Lands at Western Colorado University on the Upper Gunnison Valley Winter Visitor Use Report and Comparison with Past Years.**

Armstrong thanked the Town of Crested Butte for funding the project. She provided background on the project and a roster of people who had worked on the project starting in 2016. Armstrong reported on methods of image capture, image analysis, and tallying data points. Armstrong explained the categories of users. She showed charts with data tallies and compiled data. Armstrong listed notable events in 2020, including that the Snodgrass camera was stolen and COVID-19 impacts. Armstrong pointed out trends over the last three years.

Next, Armstrong reported on management considerations. They examined the relationship between snowfall and usage, and they conducted a community survey. Armstrong reviewed details of the survey. People desired more and/or improved parking, more trashcans, and bathrooms. Armstrong summarized insights from the study and next steps. The drop in number of people per day surprised Schmidt. He asked if it had to do

with snow. MacDonald wondered about the data gathered at Snodgrass and how it related to the disappearance of the camera.

### **PUBLIC HEARING**

**1) Ordinance No. 29, Series 2020 - An Ordinance of the Crested Butte Town Council Amending Section 13-1-120 of the Code to Increase the Minimum Monthly Service Charge Per Meter for Water Used at a "Base Rate" to \$31.00 Per Month Per EQR; Amending Section 13-1-150 of the Crested Butte Municipal Code to Increase the Monthly Service Charge for Sewer Service to \$40.50 Per Month Per EQR.**

Schmidt read the title of the ordinance. He confirmed that proper public notice had been given. Schmidt opened the public hearing. There were no comments from the public. The public hearing was closed.

Mitchell moved and Bradley seconded a motion to approve Ordinance No. 29, Series 2020. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**2) Resolution No. 23, Series 2020 - A Resolution of the Crested Butte Town Council Adopting the Budget and Appropriating Sums of Money for the Town of Crested Butte, Colorado for the Fiscal Year Beginning the First Day of January 2021, and Ending the Last Day of December 2021, Estimating the Amount of Money Necessary to be Derived from Revenue Sources, and Setting Forth the Total Estimated Expenditures for Each Fund.**

Schmidt confirmed proper public notice was given. He read the title of the resolution.

Schmidt thought the Council decided not to purchase the modular home in Red Lady Estates. Zillioux said it could be removed (from the five-year plan), and the purchase was not reflected in the Affordable Housing Fund. Dujardin noticed there was not a placeholder for the Redden project. He wondered why it stalled for 2021. Russ explained the Town had not received a formal request. MacDonald elaborated that Town was waiting on the Housing Fund. Schmidt confirmed the project could be done, and there would be a budget amendment next year.

Schmidt opened the public hearing. There were no comments from the public. The public hearing was closed. The Council did not have further discussion.

Mitchell moved and Merrill seconded a motion to approve Resolution No. 23, Series 2020. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

### **NEW BUSINESS**

**1) Resolution No. 22, Series 2020 - A Resolution of the Crested Butte Town Council Adopting a Policy of the Town Council Regarding Leasing Non-Residential Municipal Properties.**

Schmidt asked Merrill and Haver whether they wanted to make any comments on the subcommittee's recommendations. Merrill explained they decided to not have renewals be automatic. Haver recognized the importance of the units being fully utilized by non-profits. The point of not continuing with the five-year renewals was to monitor and encourage that kind of use of non-profits. MacDonald further explained there was discussion about non-profits not being able to further subsidize rent by allowing regular or continuous occupancy by another entity. Sullivan read language from the lease with KBUT that the tenant may not sublet or assign the lease without the landlord's written consent. Sullivan said the Town would have the discretion to approve an assignment or a sublet, if requested. Sullivan defined a sublet or a sublease. The discussion became focused on different situations around subletting or subleasing. Magner asked whether someone could share space without getting permission from the Town and if that would be a violation of the lease that Sullivan just quoted. Sullivan thought it would depend on what kind of activity was carried on in the space.

Neil Windsor

- They were in a transition with a lease.
- In his case, CB Artists was also a non-profit that expressed interest in the space. He wanted the Council to be open to allowing him to share.
- Heather Bischoff had also shared the space. She ran a for-profit business, but she provided a lot of value to the community.
- He wanted Living Lines to stay, and he wanted a mechanism for seeking a partner for the space.

Heather Bischoff

- She appreciated the Council's effort to clarify the terms.
- The definition of use could be misconstrued.
- She thought they had the same intentions in their efforts.
- Hers was not a malicious, profit driven endeavor.
- She thought clarification on the policy was still needed.
- She asked for the Council to support spaces like this and to look at their impact in humanistic measures.

Merrill thought they found a way to move forward to keep this going for the next five years. They heard them, and they tried. They wanted to make it work for everyone. Haver said Paragon served many artists in the same space. They encouraged it and saw it was well utilized. MacDonald pointed out 308 was not a retail space; the space was not intended for retail. Haver saw that collaboration could still take place.

Haver moved and Dujardin seconded a motion to approve Resolution No. 22, Series 2020.

Heather Bischoff

- She said MacDonald's clarification helped.
- There was nothing in the lease that prohibited retail.

A roll call vote was taken with all voting, "Yes," except Mitchell did not vote. **Motion passed unanimously.**

**2) Resolution No. 24, Series 2020 - A Resolution of the Crested Butte Town Council Adopting Certain Fees and Charges for the Fiscal Year 2021.**

Schmidt read the title of the resolution. He pointed out that the new fees were in red. He confirmed what the new, big fees were and that many were increases, rather than new fees. Haver asked about the rezoning (application) fee. Haver asked for both the current costs and what was recommended, in the future.

There were no comments from the public.

Haver moved and Dujardin seconded a motion to approve Resolution No. 24, Series 2020. A roll call vote was taken with all voting, "Yes," except Mitchell did not vote. **Motion passed unanimously.**

**3) Resolution No. 25, Series 2020 - A Resolution of the Crested Butte Town Council Adopting the Mill Levy for the Town of Crested Butte, Colorado for the Fiscal Year 2021, Beginning the First Day of January 2021 and Ending the Last Day of December 2021.**

Zillioux described the resolution as straight forward. He briefly explained each mill levy and that one was for the General Fund and one was for the Street Fund.

Dujardin moved and Haver seconded a motion to approve Resolution No. 25, Series 2020. A roll call vote was taken with all voting, "Yes," except Mitchell did not vote. **Motion passed unanimously.**

**4) Ordinance No. 30, Series 2020 - An Ordinance of the Crested Butte Town Council Approving the Lease of a Portion of the Property at Avalanche Park (Tract I & II, Eccher Ranch) to GV Solar, LLC.**

Schmidt read the title of the ordinance. Yemma informed the Council the ordinance was for the lease with GV Solar, LLC. Legal counsel reviewed the lease, and it was pretty much final. They were working on finalizing exhibits, one of which was the premises boundary. Yemma explained due diligence that was done in order to choose the site. If the price of RECs exceeded what was originally discussed, they would revisit. Yemma explained why the lease was with GV Solar, LLC rather than GCEA, responding to Schmidt.

Dujardin moved and Mitchell seconded a motion to set Ordinance No. 30, Series 2020 to public hearing on December 21<sup>st</sup>. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**5) Ordinance No. 31, Series 2020 - An Ordinance of the Crested Butte Town Council Amending the Crested Butte Municipal Code: Chapter 18, Article 4, Section 18-4-10, Adopting by Reference the 2018 Edition of the International Plumbing Code (IPC) And Chapter 18, Article 5, Section 18-5-10, Adopting by Reference the 2020 Edition of the National Electrical Code (NEC) (NFPA 70®).**

Schmidt read the title of the ordinance. Russ stated the ordinance was an update to the Building Code. They normally went on six-year cycles but Town wanted to stay with what the State architect followed.

Mitchell moved and Haver seconded a motion to set Ordinance No. 31, Series 2020, amending the Crested Butte Municipal Code to adopt by reference the 2018 edition of the International Plumbing Code (IPC) and the 2020 edition of the National Electrical Code (NEC), for a public hearing at the December 21<sup>st</sup>, 2020 meeting. A roll call vote was taken with all voting, "Yes." **Motion passed unanimously.**

**LEGAL MATTERS**

None

**COUNCIL REPORTS AND COMMITTEE UPDATES**

Mona Merrill

- She went to the STOR meeting.
  - They had been talking about implementing fees for Forest Service campsites. There would be a presentation at the work session on January 4<sup>th</sup>. She felt like the Council needed to hear it, too.
  - The other topic was backcountry use and gearing up for an influx for the winter.

Chris Haver

- The main focus of the OVLC was to see if there was interest in the entities sending letters to Colorado's Congressional Delegation to request action on pandemic support. The Council approved such a letter on the Consent Agenda tonight.
- The RTA Special Projects Manager left for Bend, Oregon. They were deciding upon the job description and putting it out for possible hires.
  - There was discussion with Gunnison regarding a bus stop at the intersection at the library.
  - The RTA ridership was currently at 52% compared to last year.
  - There were a couple of misses because they were short on drivers.

Will Dujardin

- He attended EOC meetings.
- He thanked Merrill for filling in his spot on the GVRHA.

- There was an Upper Gunnison River Water Conservancy District meeting on the 23<sup>rd</sup>.
  - The area had been in a drought.
  - Blue Mesa was at 47% of its inflow for the year.
  - Bill Trampe would be resigning from the Colorado River District.
  - Sonia Chavez considered putting her name in the hat. The Upper Gunnison was going to write a letter to the (County) Commissioners in support of Chavez that he asked them to send to him.
  - They brainstormed about messaging for the drought going into next summer.

#### Candice Bradley

- She went to the Public Art Commission meeting.
  - They worked on the RFP for the Big Mine art installation.
  - There were interviews for a new commissioner. There were two applicants.
  - Someone brought up Harry Woods and trying to plan a memorial for him. They figured out the Town did not have a policy, other than the memorial bench program. She questioned whether the Council should look into developing a policy. Schmidt acknowledged it was a tough one, and he was not sure what to think about it. He suggested they think about it for the next two weeks. He stated it was difficult.

#### Jim Schmidt

- He was at the Gunnison Valley TPR meeting.
  - There was \$70M for revitalizing main streets in Colorado.
  - A grant proposal was approved by the TPR to make a pedestrian bicycle access on Ohio Avenue going across town in Gunnison. There was money left in the pool. He suggested the Town apply for funds for crossing warning lights at Belleview and 135. He asked whether Council should direct Staff to talk with CDOT and Region 10. Haver recalled they were not allowed to install flashing lights at such intersections. At least four Council members voiced agreement with directing Staff to proceed with looking into it.
  - The State had a contract out for Little Blue Canyon. The big shutdowns would start in April.
  - CDOT would be replacing the bridge at Austin, near Delta, in 2021.
- He went to the Mayor/Managers meeting.
  - There were reports from the County.
  - Mt. CB was working on their Climate Action Plan.
  - GVH had a one-call plan. There was discussion about people being sent to different hospitals. There were staffing issues all across the hospital community.
  - It was budget time in Gunnison. They saw a modest decrease in revenue.
  - The school district reported there were very few schools across the nation that were open.

- MacDonald and he met with Tim Baker this morning. The resort hoped to open Silver Queen this week.
- He attended the County Land Preservation Board meeting. They had enough money to cover all four, grant applications. He described the grant requests and the relevant locations.

#### **OTHER BUSINESS TO COME BEFORE THE COUNCIL**

Haver voiced concern about the timing of the April 19<sup>th</sup> meeting related to spring break. He agreed the Council could wait until closer to the date to make a decision concerning the scheduling of the meeting.

Haver moved and Dujardin seconded a motion to approve the Town Council Meeting Schedule for 2021. A roll call vote was taken with all voting, "Yes," except Mitchell did not vote. **Motion passed unanimously.**

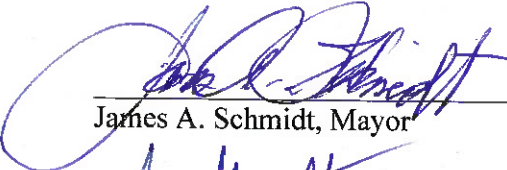
#### **DISCUSSION OF SCHEDULING FUTURE WORK SESSION TOPICS AND COUNCIL MEETING SCHEDULE**

- Monday, December 21, 2020 - 6:00PM Work Session - 7:00PM Regular Council
- Monday, January 4, 2021 - 6:00PM Work Session - 7:00PM Regular Council
- *Tuesday*, January 19, 2021 - 6:00PM Work Session - 7:00PM Regular Council

Schmidt noted the meeting on December 21<sup>st</sup> with the 6:00PM work session.

#### **ADJOURNMENT**

Mayor Schmidt adjourned the meeting at 9:39PM.

  
James A. Schmidt, Mayor

  
Lynelle Stanford, Town Clerk

(SEAL)

